

R E M A R K S

Allowance of claims 1 and 2 are respectfully requested. This application is a continuation of serial 09/564,161, of which claims 3-20 have been cancelled as they were allowed in the parent application. Fig. 1 has also been amended as in the parent application to identify the drawings as prior art.

Applicants have amended claims 1 and 2 so as to clarify the claimed invention over Sawahashi et al. (U.S. 005590409A hereafter "Sawahashi") in view of Amezawa et al. (U.S. 005455967A, hereafter "Amezawa") reference that was previously cited.

Applicants have amended claim 1 to clarify that:

(e) restricting the incoming call to the base station according to the comparison result without restricting already-established calls. Support is found in the specification at least at page 16, lines 3-17.

It was admitted previously that Sawahashi does not disclose restricting an incoming call to the base station according to the comparison result, and that Amezawa teaches a way of restricting incoming calls by cell-size reduction, which affects both new calls and already-established calls.

In contrast, the presently claimed invention has been amended to clarify that a selective system that applies to new/incoming calls and does not affect the pre-existing calls. The combination of Sawahashi and Amezawa, which at best discloses restricting all incoming calls by cell-size reduction, fails to disclosure, suggest or provide motivation to the artisan at the time of invention such that the presently claimed invention would have been obvious to a person of ordinary skill in the art.

Accordingly, Applicants respectfully submit that instant claims 1 and 2 are patentable over the combination of Sawahashi and Amezawa, as a person of ordinary skill in the art would not glean from the combination of Sawahashi and Amezawa a method that restricts new calls but leaves already-existing callers with the previous parameters. Applicants also respectfully submit that instant claim 2 is patentable at least for its dependency from claim 1.

Finally, the Court of Appeals for the Federal Circuit has held that:

The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification.

*In re Fritch*, 973, F.2d 1260, 1266, 23 U.S.P.Q. 2d 1780, 1783-84 (Fed. Cir. 1992). Similar to Fritch, the motivation to modify does not come from the combination of references.

Reconsideration and withdrawal of this ground of rejection are respectfully requested.

Accordingly, it is respectfully submitted that all grounds of rejection in the Office Action have been overcome. A Notice of Allowance is respectfully requested as soon as possible.

Should the Examiner deem that there are any issues which may be best resolved by telephone, please contact Applicant's undersigned representative at the number listed below. If there are any fees due and owing, please charge Deposit Account No. 502-470.

Respectfully submitted,

  
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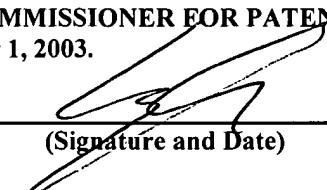
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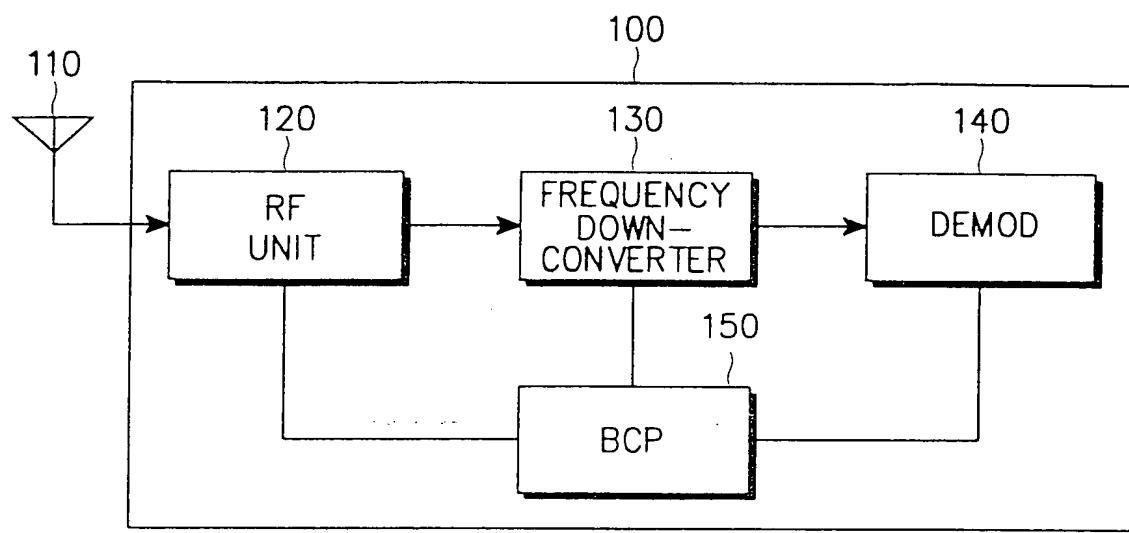
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, Virginia 22313-1450 on December 1, 2003.

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**PRIOR ART**

FIG. 1